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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,928	05/02/2006	Simon Deleonibus	034299-646	8398
7590 Thelen Reid & Priest P O Box 640640 San Jose, CA 95164-0640				
EXAMINER				
SALERNO, SARAH KATE				
ART UNIT		PAPER NUMBER		
2814				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,928

Applicant(s)

DELEONIBUS, SIMON

Examiner

SARAH K. SALERNO

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's amendment/arguments filed on 05/01/09 as being acknowledged and entered. By this amendment claims 2 and 9 are canceled, no new claims have been added claims 1, 3-8 and 10 are pending and no claims are withdrawn.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 3-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 contains the limitation "comprising a buried zone in a structure". It is unclear as to what the term "structure" is referring to and it is being interpreted as the device substrate.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurata (US PGPub 2003/0005581).

Claim 1: Kurata teaches a self aligned MIS transistor having a source zone and a drain zone on either side of a channel zone, said source and drain zones comprising a buried zone (20) in a structure and raised zone (21) stacked on the buried zone, as well as a T shaped gate structure comprising:

a vertical bar (13) located above the channel zone, surmounted by a horizontal bar (14) extending on either side of the vertical bar, said horizontal bar having a lower part, a lateral part and an upper part, the gate structure consisting of a stacking of one or several conductive layers (13, 14), a base zone of the gate structure being defined as being around the base of the vertical bar of the T,

wherein the gate structure is coated with a shaping material (15), said material covering the vertical bar of the T, the lower and lateral parts of the horizontal bar of the T, and the base zone of the T, said base zone of the gate structure covered by the shaping material covering at least a part of the buried zone of the gate structure covered by the shaping material at least a part of the buried zone of the source and drain zone and not the raised zone of the source and drain zones (FIG. 4C).

Claim 3: Kurata teaches first extension zones (17) located between the channel and source and drain zones respectively and having a doping of the same natures as the source and drain zones but weaker [0056-0057].

Claim 8: Kurata teaches a method for manufacturing, on a semiconductor substrate, at least one self aligned MIS transistor having a source zone and a drain zone on either side of a channel zone, said source and drain zones comprising a buried zone (20) in the substrate and a raised zone (21) stacked on the buried zone, as well as

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a T shaped gate structure of low resistivity comprising a vertical bar (13) located above the channel zone, surmounted by a horizontal bar (14) extending on either side of the vertical bar, said horizontal bar having a lower part, a lateral part and an upper part, the gate structure comprising a stacking of one or several conductive layers (13, 14), a base zone of the gate structure being defined as being around the base of the vertical bar of the T, the method comprising a step of forming a solid shape having the T shape of the grid that one wishes to form, and the coating of said shape in a shaping material (15), said shaping material coating the lateral surface of the vertical bar of the T, the lower and lateral surfaces of the horizontal bar of the T,

wherein said shaping material also covers the base zone of the definitive gate structure and at least a part of the buried zone of the source and drain zones and not the raised zone of the source and drain zones (FIG. 4C).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurata (US PGPub 2003/0005581) as applied to claim 1 above, and further in view of Rodder (US Patent 6,246,091).

Regarding claim 4, as described above, Kurata substantially reads on the invention as claimed, except Kurata does not teach the second extension zones between the channel and source and drain zones respectively have a doping of nature opposite to that of the source and drain zones. Rodder teaches the second extension zones (105) between the channel and source and drain zones respectively have a doping of nature opposite to that of the source and drain zones to form barrier pocket regions between the source/drain regions and the channel of a transistor reducing short channel effects (Col. 1-2). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the device taught by Kurata to include the second extension zone to form barrier pocket regions between the source/drain regions and the channel of a transistor reducing short channel effects as taught by Rodder (Col. 1-2).

Claim 5: Rodder teaches the second extension zones (105) between the first extension zones (104) and the channel zone have respectively a doping of nature opposite to that of the source and drain zones (Col. 6).

Claim 7: Rodder teaches the stacking of layers constituting the gate structure lodged in the shaping material is intrinsic polysilicon or a metal (Col. 5).

8. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurata (US PGPub 2003/0005581) as applied to claim 1,10 above, and further in view of Chen (US Patent 6,077,733).

Regarding claims 6 and 10, as described above, Kurata substantially reads on the invention as claimed, except Kurata does not teach the shaping material is made of silicon nitride (Si_3N_4) or hafnium oxide (HfO_2) or zirconium oxide (ZrO_2) or aluminum oxide (Al_2O_3). Chen teaches the shaping material is of silicon nitride (Si_3N_4) or hafnium oxide (HfO_2) or zirconium oxide (ZrO_2) or aluminum oxide (Al_2O_3) as being known in the art as silicon oxide substitutions (Col. 5-6). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the shaping material taught by Kurata to be silicon nitride (Si_3N_4) or hafnium oxide (HfO_2) or zirconium oxide (ZrO_2) or aluminum oxide (Al_2O_3) because they are known in the art as taught by Chen. The selection of something based on its known suitability for its intended use has been held to support a *prima facie* case of obviousness. *Sinclair & Carroll Co. v. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARAH K. SALERNO whose telephone number is (571)270-1266. The examiner can normally be reached on M-R 8:00-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (571) 272-1705. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wael M Fahmy/
Supervisory Patent Examiner, Art
Unit 2814

/S. K. S./
Examiner, Art Unit 2814